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10 **BEFORE THE BOARD**  
11 **OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. **2010-328**

15 **WESLEY LINDEMULDER**  
16 **6931 Sandburg Dr.**  
**Buena Park, CA 90620**  
**Registered Nurses License No. RN 424403**

**A C C U S A T I O N**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

- 21 1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her  
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board).  
23 2. On or about April 30, 1988, the Board issued Registered Nurses License Number RN  
24 424403 to Wesley Lindemulder (Respondent). The Registered Nurses License was in full force  
25 and effect at all times relevant to the charges brought herein and will expire on June 30, 2011,  
26 unless renewed.  
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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

....

6. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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1           7.     Section 493 of the Code states:

2           "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
3 the department pursuant to law to deny an application for a license or to suspend or revoke a  
4 license or otherwise take disciplinary action against a person who holds a license, upon the  
5 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
6 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
7 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
8 and the board may inquire into the circumstances surrounding the commission of the crime in  
9 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
10 qualifications, functions, and duties of the licensee in question.

11           "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and  
12 'registration.'"

13           8.     Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
14 administrative law judge to direct a licensee found to have committed a violation or violations of  
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
16 enforcement of the case.

17                               FIRST CAUSE FOR DISCIPLINE

18                               (Unprofessional Conduct Re: December 4, 2007-Conviction  
19                               for Attempted Murder on September 3, 2007)

20           9.     Respondent is subject to disciplinary action under section 2761(a) and (f), and 490 in  
21 that Respondent pleaded guilty on December 4, 2007 in Orange County Superior Court, State of  
22 California, in Case No. 07NF3347 to violating Penal Code section 187(a) for attempted murder  
23 when on September 3, 2007, Respondent broke a beer bottle and stuck the jagged glass edge into  
24 the neck of his victim. As part of his sentencing, Respondent was ordered to serve five years in  
25 prison.

26                               PRAYER

27           WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
28 and that following the hearing, the Board issue a decision:

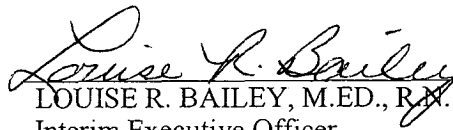
1           1.     Revoking or suspending Registered Nurses License Number RN 424403, issued to  
2 Wesley Lindemulder Wesley Lindemulder.

3           2.     Ordering Wesley Lindemulder to pay the Board's reasonable costs of the  
4 investigation and enforcement of this case, pursuant to Business and Professions Code section  
5 125.3;

6           3.     Taking such other and further action as deemed necessary and proper.  
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9  
10 DATED: \_\_\_\_\_

1/12/10

  
LOUISE R. BAILEY, M.ED., R.N.  
Interim Executive Officer  
Board of Registered Nursing  
State of California  
*Complainant*

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